

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS STREET,

Plaintiff,

v.

Case No. 04-74344

COMMISSIONER OF
SOCIAL SECURITY,

HONORABLE AVERN COHN

Defendant.

MEMORANDUM AND ORDER
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

I. Introduction.

This is a social security case. Plaintiff Thomas Street (Street) appeals from the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to Disability Insurance Benefits (benefits). Initially, an Administrative Law Judge (ALJ) determined that Street was not entitled to benefits. An appeal was taken to the Appeals Council. The Appeals Council remanded the case to the ALJ to consider new evidence. There was a second ALJ decision to deny benefits. The Appeals Council affirmed the ALJ's second decision denying benefits to Street.

Street filed this action for judicial review under 42 U.S.C. § 405(g). The matter was referred to a magistrate judge before whom Street and the Commissioner filed motions for summary judgment. On November 21, 2005, the magistrate judge issued a

report and recommendation (MJRR) that the ALJ's decision be affirmed. Street did not file any objections to the MJRR.

II. Conclusion.

The Court adopts the findings and conclusions of the MJRR that the ALJ's decision is supported by substantial evidence. Street's motion for summary judgment is DENIED; the Commissioner's motion for summary judgment is GRANTED. The case is DISMISSED.

SO ORDERED.

Dated: January 12, 2006
Detroit, Michigan

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE